

voted in the Committee for the powers of municipalities, I was as strong as any, and I think this compromise strikes the right balance. I intend to vote in favor of the Committee recommendation, and reluctantly against that of my good friend, Senator James.

THE CHAIRMAN: Is there any further discussion?

Are you ready for the question?

The question arises on the adoption of Amendment No. 8 to Committee Recommendation LG-1. A vote Aye is a vote in favor of the amendment. A vote No is a vote against. Cast your votes.

Has every delegate voted?

*(There was no response.)*

Does any delegate desire to change his vote?

*(There was no response.)*

The Clerk will record the vote.

There being 15 votes in the affirmative and 105 in the negative, the motion is rejected. The amendment fails.

Although the hour for luncheon recess has arrived, the Clerk has advised me that he is not aware of any other amendments. If there are no other amendments and we can conclude consideration of this article in a few minutes, I would like to do so. Therefore, I will ask whether there are any other amendments to sections 7.07, 7.08, or 7.09.

*(There was no response.)*

THE CHAIRMAN: Any amendments to section 7.11?

DELEGATE CASE: I have an amendment.

THE CHAIRMAN: Delegate Case.

DELEGATE CASE: Mr. Chairman, I have an amendment to offer.

THE CHAIRMAN: This will be amendment 10. The Clerk will read the amendment.

READING CLERK: Amendment No. 10 to Committee Recommendation LG-1, by Delegate Case: On page 5, Section 7.11, Financing of Intergovernmental Authorities line 8 after the word "taxes" add the following: "unless the intergovernmental authority is governed by the elected representatives of the people."

THE CHAIRMAN: Is the amendment seconded?

*(The amendment was duly seconded.)*

THE CHAIRMAN: The amendment having been seconded, the Chair recognizes Delegate Case to speak to the amendment.

DELEGATE CASE: Mr. Chairman, Ladies and Gentlemen of the Committee of the Whole:

This is an amendment which I think will come as a surprise to Delegate Clagett, because it expands the power of taxation in certain defined and limited circumstances.

You will recall yesterday that I suggested an example to the Chairman of the Committee in which a county had created a civil unit to operate within its boundaries, but not to include any other governmental unit.

I further assume that this civil unit would be governed by a popularly elected representative government. We have established upon those assumptions that under section 7.08, the county would have the power to delegate to that civil unit the power to tax.

However, when we went to section 7.11, we found that quite a different situation obtained where the county had created an intergovernmental authority. The only difference between an intergovernmental authority and a civil unit in the situation we posed, would have been that the intergovernmental authority would have contained two governments, namely, part of the county and the municipality.

In that situation, even though the intergovernmental authority might have been governed by elected representatives of the people, it would not have had the power to tax.

This is an anomalous situation, because in the one case, where the power to tax is probably not needed, it is granted; and in the other, where it is, it is withheld.

My amendment would seek to make both of these units of government conform with respect to their powers.

If a civil unit, or an intergovernmental authority is ruled or governed by the elected representatives of the people, it seems to me that each should have the power to tax or the power should be in the Constitution to delegate it. As it now stands, the civil unit can receive the power, the intergovernmental authority cannot.